

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: SUZANNE CRUSE  
Title: A KIT AND METHOD FOR MIGRAINE HEADACHE  
TREATMENT  
Serial No: 10/662,246  
Filing Date: SEPTEMBER 15, 2002  
Group Art Unit: 1614  
Attorney Docket No: CRUS 101  
Date: December 22, 2003

Mail Stop: Patent Applications  
COMMISSIONER FOR PATENTS  
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Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR 1.97**

In compliance with Applicant's and his attorney's duty of disclosure under 37 CFR 1.56, the Applicant does hereby submit the following Information Disclosure Statement, Form PTO - 1449, and copies of the references listed thereon.

A patent search was manually conducted for the invention described in the above-referenced patent application. In the course of the search, no patents were found for an apparatus that has the same structural features or that operates in the same manner such as the invention listed above. The following nine (9) patents, however, were noted as being of interest and are hereby brought to the Examiner's attention as references AA - AI. The

1 significance of each listed reference is as follows:

2       AA.   Reference U.S. Patent No. 6,106,837 (Hirsch) discloses a method that is  
3 provided for preventing or reducing the symptoms and/or duration of a migraine or other  
4 form of headache through the administration of a hedonically pleasant odorant that is inhaled  
5 by a person who is prone to or suffering from a headache. A preferred odorant is one having  
6 the characteristics of a green apple scent. Preferably, the person is presented with the odorant  
7 at a suprathreshold concentration, and inhales the odorant for about 5-15 minutes while in a  
8 prone position in a quiet, darkened room.

9       AB.   Reference U.S. Patent No. 6,043,244 (Caruso) discloses this invention that  
10 relates to methods and compositions for the treatment of migraine headache by administering  
11 a combination of a) a migraine-treating amount of an ergot alkaloid and b) an antimigraine-  
12 potentiating amount of at least one of dextromethorphan or dextrorphan.

13       AC.   Reference U.S. Patent No. 5,972,916 (Armellino et al.) discloses this  
14 invention that provides a safe and economical nonprescription combination of  
15 acetaminophen, aspirin and caffeine (APAP/ASA/CAF) for use in treating migraine pain and  
16 the cluster of symptoms characteristic of migraine attack, such as nausea, photophobia,  
17 phonophobia and functional disabilities. The use of the APAP/ASA/CAF combination is also  
18 effective in aborting the prodrome phase of a migraine attack.

19       AD.   Reference U.S. Patent No 5,939,076 (Allocca) discloses a method of  
20 preventing or alleviating a migraine headache in a patient subject to migraine headaches  
21 comprises administering to the patient daily, for an effective period of time, a daily effective

1 amount of a dietary supplementation of serotonin and norepinephrine precursors to increase  
2 the level of serotonin and norepinephrine in the patient.

3 AE. Reference U.S. Patent No. 5,914,129 (Mauskop) discloses Magnesium-  
4 containing analgesic compositions used for the alleviation of pain, in particular, migraine  
5 headache pain, and methods for using the same are described herein. The compositions  
6 consist essentially of an analgesic agent, a magnesium salt, a stimulant, optionally an  
7 effervescing agent, and a pharmaceutically acceptable carrier or vehicle. The symptoms of  
8 migraine headache intended to be alleviated include nausea, unilateral pain, dizziness,  
9 pulsatile pain, worsening of pain by light physical activity, photophobia and phonophobia.

10 AF. Reference U.S. Patent No. 5,538,959 (Mauskop) discloses magnesium-  
11 containing analgesic composition used for treating migraine headaches and methods for using  
12 the same are described herein. The composition comprises an analgesic, a magnesium salt  
13 and an effervescing agent and is admixed with or dissolved in water prior to ingestion. The  
14 symptoms of migraine headache intended to be alleviated include nausea, unilateral pain,  
15 dizziness, pulsatile pain, worsening of pain by light physical activity, photophobia and  
16 phonophobia.

17 AG. Reference U.S. Patent No. 5,273,759 (Simmons) discloses an oral  
18 composition comprising in combination acetaminophen, dimenhydrinate and one or more  
19 antacid ingredients has been shown to be effective in the treatment of acute migraine attacks.

20 AH. Reference U.S. Patent No. 4,916,125 (Herrling et al.) discloses a method of  
21 treating migraine in a subject in need of such treatment comprising administering to said  
22 subject a therapeutically effective amount of a phosphonic acid.

1           AI.     Reference U.S. Patent No. 4,046,917 (Scholtysik) discloses this invention that  
2 relates to a new use of 2,6-dichlorophenyl-acetylguanidine as an anti-migraine agent.

3           The Applicant and his attorney submit that the above-cited references taken alone or  
4 in combination neither anticipate nor render obvious the present invention. None of the  
5 references disclose or claim a mixture containing 1-2 teaspoons of apple cider vinegar, 3 bags  
6 of black pekoe tea brewed in 3 ounces of boiling water, 2 tablets of aspirin, and 1-3 teaspoons  
7 of honey. The above ingredients are added to the 3 ounces of boiling tea, which steeps for 10-  
8 30 seconds. Ice is then added to cool the mixture so that the entire mixture may be drank  
9 immediately. The listed references relate only to the general field of the disclosure and do  
10 not constitute an admission that the references are relevant or material to the claims; they are  
11 cited only as constituting the closest art of which the Applicant and his attorney are aware.

12  
13 Respectfully submitted,

14   
15 DEAN A. CRAINE

16 Reg. No. 33,591  
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**CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 CFR 1.8)**

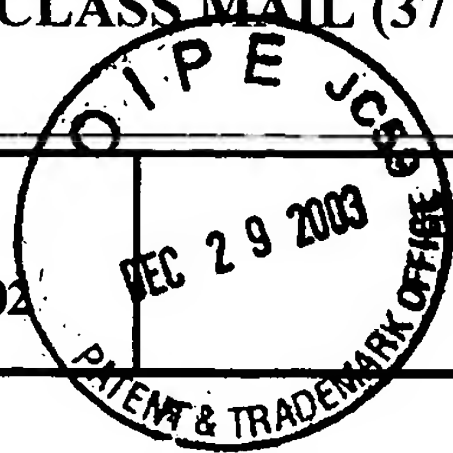
Applicant(s): SUZANNE CRUSE

Docket No.

CRUS 101

Serial No.  
10/662,246Filing Date  
SEPTEMBER 15, 2002

Examiner

Group Art Unit  
1614

Invention:

**A KIT AND METHOD FOR MIGRAINE HEADACHE TREATMENT**I hereby certify that this **INFORMATION DISCLOSURE STATEMENT***(Identify type of correspondence)*

is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

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on **DECEMBER 24, 2003***(Date)***DEAN A. CRAINE***(Typed or Printed Name of Person Mailing Correspondence)**(Signature of Person Mailing Correspondence)***Note: Each paper must have its own certificate of mailing.**

<b>INFORMATION DISCLOSURE CITATION</b> <i>(Use several sheets if necessary)</i>				Docket Number (Optional)		Application Number	
				CRUS 101		10/662,246	
				Applicant(s)			
				SUZANNE CRUSE			
				Filing Date		Group Art Unit	
				SEPTEMBER 15, 2002		1614	

OIP  
 REC 29 2003  
 6969

U.S. PATENT DOCUMENTS							
*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA.	6,106,837	08/22/2000	HIRSCH	424	195.1	06/06/1997
	AB.	6,043,244	03/28/2000	CARUSO	514	250	01/07/1999
	AC.	5,972,916	10/26/1999	ARMELLINO ET AL.	514	165	02/10/1998
	AD.	5,939,076	08/17/1999	ALLOCCA	424	400	11/12/1997
	AE.	5,914,129	06/22/1999	MAUSKOP	424	464	07/23/1996
	AF.	5,538,959	07/23/1996	MAUSKOP	514	165	01/26/1995
	AG.	5,273,759	12/28/1993	SIMMONS	424	465	09/17/1992
	AH.	4,916,125	04/10/1990	HERRLING ET AL.	514	89	07/11/1989
	AI.	4,046,917	09/06/1977	SCHOLTYSIK	424	326	04/19/1976

FOREIGN PATENT DOCUMENTS								
	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							YES	NO

OTHER DOCUMENTS <i>(Including Author, Title, Date, Pertinent Pages, Etc.)</i>		

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.